

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.205 OF 2006  
IN  
CRIMINAL APPLICATION NO.2896 OF 1992

Yunus Ahmedbhai Hakimuddin Applicant

versus

A.K.Baig, Asstt. Collector of  
Central Excise (Preventive)  
and others Respondents

Mr.Y.H.Muchhala i/by Mr.A.A.Bhore for applicant.

Mr.J.C.Satpute for respondent no.1.

Mrs.M.M.Deshmukh, P.P. for respondent no.4.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5th April 2006

PC :

1. This application is made because in the judgement which is delivered in Criminal Application No.2896 of 1992, according to Shri Muchhala - learned Senior Counsel for the applicants considering the grounds raised in the criminal application it was also submitted before me that the mandate of Article 21 of the Constitution of India is violated because there

is inordinate delay in filing of the complaint. However, according to Shri Muchala despite this fact being highlighted during the course of oral submissions, in the judgement at para 23, it is recorded that this aspect has not been placed in the forefront.

2. Shri Muchala, therefore, submits that the word "not" appearing in the first sentence be deleted.

3. Shri Satpute appearing for prosecution leaves the matter to the Court. In the light of the averments in the criminal application and after hearing Shri Muchala, in my view, interest of justice would be served if the word "not" appearing in the opening line of para 23 stands deleted. No other submissions have been made. Criminal Application No.205 of 2006 is disposed of in the above terms. Certified copy expedited.

(S.C.DHARMADHIKARI, J.)